

**ORIGINAL**

**United States District Court**  
**for the**  
**DISTRICT OF HAWAII**

FILED IN THE  
 UNITED STATES DISTRICT COURT  
 DISTRICT OF HAWAII

OCT 31 2007

at 10 o'clock and 40 min A.M.  
 SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision  
 with Consent of the Offender**

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: EDWARD PRICE aka "Cooty" Case No: CR 05-00365DAE-01

Name of Sentencing Judicial Officer: The Honorable David Alan Ezra  
 U.S. District Judge

Date of Original Sentence: 4/17/2006

Original Offense: Count 1: DISTRIBUTION AND POSSESSION WITH INTENT TO  
 DISTRIBUTE 5 GRAMS OR MORE OF METHAMPHETAMINE, in  
 violation of 21 U.S.C. § 841(a)(1), a Class B felonyCount 2: UNLAWFUL USER OF A CONTROLLED SUBSTANCE  
 IN POSSESSION OF A FIREARM, in violation of 18 U.S.C. § 922  
 (g)(3), a Class B felonyOriginal Sentence: Thirty (30) months imprisonment as to each of Counts 1 and 2 of  
 the Information, to be served concurrently, followed by four (4)  
 years of supervised release as to Count 1 and three (3) years as to  
 Count 2, to be served concurrently, and with the following special  
 conditions: 1) Defendant shall participate in a substance abuse  
 program, which may include drug and alcohol testing, at the  
 discretion and direction of the Probation Office. Defendant is to  
 refrain from the possession and/or use of alcohol while participating  
 in substance abuse treatment; 2) Defendant shall execute all  
 financial disclosure forms and provide the Probation Office and the  
 Financial Litigation Unit of the U.S. Attorney's Office access to any  
 requested financial information to include submitting to periodic  
 debtor's examinations as directed by the Probation Office; 3)  
 Defendant shall participate in a mental health program at the  
 discretion and direction of the Probation Office; and 4) Defendant  
 shall submit his person, residence, place of employment, or vehicle  
 to a search conducted by the U.S. Probation Office at a reasonable  
 time and in a reasonable manner, based upon reasonable  
 suspicion of contraband or evidence of a violation of a condition of  
 supervision. Failure to submit to a search may be grounds for

revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Type of Supervision: Supervised Release Date Supervision Commenced: 8/20/2007

### PETITIONING THE COURT

[X] To modify the conditions of supervision as follows:

Mandatory Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.

### CAUSE

On 8/20/2007, the subject began his term of supervision under the U.S. Probation Office, District of Hawaii. During his processing, the subject was referred for substance abuse treatment and random drug testing at Hina Mauka, Waipahu, Hawaii. According to his counselor, the subject has been actively participating in group counseling sessions and reporting for random drug testing.

However, on 10/16/2007, the subject failed to report for random drug testing at Hina Mauka. On 10/17/2007, the subject admitted to the violation and agreed to report to the U.S. Probation Office. During the office visit, the subject reported that he called the Hina Mauka testing line and was not scheduled for drug testing on 10/16/2007. He later submitted a urine specimen which tested negative for illicit substances.

Pursuant to U.S. vs. Stephens, the Violent Crimes Control Act (VCCA) testing condition imposed at sentencing limits the Probation Office to three non-treatment related drug tests. In order to ensure that the subject does not reinvolve himself in substance abuse, the recommended modification of his VCCA condition will enable the Probation Office to monitor the subject throughout his term of supervision. The subject has consented to the modification of his VCCA condition.

Attached is a signed Waiver of Hearing to Modify Conditions of Supervised Release. The subject waives his right to a hearing and to assistance of counsel. The subject also agrees to the modification of the conditions of supervised release. The

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subject's attorney and the U.S. Attorney's Office have been notified of the proposed modification and have no objections to the modification.

Respectfully submitted by,



CARTER A. LEE  
U.S. Probation Officer

Approved by:



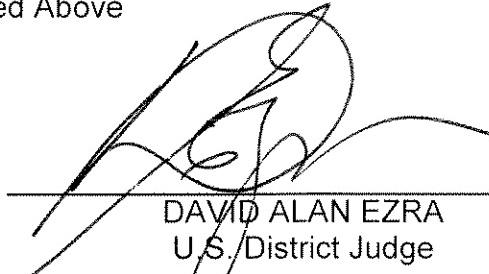
PETER D. YOSHIHARA  
Supervising U.S. Probation Officer

Date: 10/29/2007

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THE COURT ORDERS:

- The Modification of Conditions as Noted Above  
 Other



DAVID ALAN EZRA  
U.S. District Judge

10/30/07  
Date

**United States District Court****District of Hawaii****Waiver of Hearing to Modify Conditions  
of Probation/Supervised Release and/or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

- [ ] To extend the term of supervision for years, for a total term of years.  
[ X ] To modify the conditions of supervision as follows:

Mandatory Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than 8 valid drug tests per month during the term of supervision.

Witness: Carter A. Lee  
CARTER A. LEE  
U.S. Probation Officer

Signed: Edward Price  
EDWARD PRICE  
Supervised Releasee

10/26/07  
Date